

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GIRARD STREET INVESTMENT HOLDINGS LLC,

Plaintiff,

v.

PETRÓLEOS DE VENEZUELA, S.A. and PDVSA
PETRÓLEO S.A.,

Defendants.

Case No. 23-cv-10772-JSR

**DECLARATION OF MICHAEL J. BARATZ
IN SUPPORT OF PLAINTIFF GIRARD STREET INVESTMENT
HOLDINGS LLC'S MEMORANDUM OF LAW IN SUPPORT OF MOTION
TO COMPEL COMPLIANCE WITH POST-JUDGMENT DISCOVERY REQUESTS**

I, Michael J. Baratz, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney admitted *pro hac vice* in the above-captioned matter. I am a partner in the law firm of Steptoe LLP, and represent Plaintiff Girard Street Investment Holdings LLC ("Girard Street") in this action.

2. I respectfully submit this Declaration in support of Plaintiff's Motion to Compel Compliance with Post-Judgment Discovery Requests. I am fully familiar with all of the facts and circumstances attested to herein based on personal knowledge and my review of the documents that are referenced.

3. On July 16, 2024, Girard Street served Defendant Petróleos de Venezuela, S.A. ("PDVSA") with Requests for Production of Documents in Aid of Execution and an Information Subpoena (the "PDVSA Discovery") issued out of the above-captioned matter. A true and correct copy of the transmittal email to counsel for PDVSA is attached hereto as

Exhibit A.

4. A true and correct copy of the Requests for Production of Documents in Aid of Enforcement served on PDVSA is attached hereto as **Exhibit B**.

5. A true and correct copy of the Information Subpoena served on PDVSA is attached hereto as **Exhibit C**.

6. The same day, Girard Street served PDVSA with a Notice of Subpoena and copies of Rule 45 Subpoenas to (a) PDV Holding, Inc. (“PDVH”), (b) Citgo Holding, Inc. (“Citgo Holding”), and (c) Citgo Petroleum Corp. (“Citgo”). A true and correct copy of the transmittal email to counsel for PDVSA is attached hereto as **Exhibit D**, and a true and correct copy of the Notice of Subpoena is attached hereto as **Exhibit E**.

7. On July 17, 2024, Girard Street personally served each of PDVH, Citgo Holding, and Citgo, through their registered agent, The Corporation Trust Company, at 1209 Orange Street, Wilmington, Delaware 19801, with the Rule 45 subpoenas, each of which includes Requests for Production of Documents in Aid of Execution (Schedule A) and an Information Subpoena (Schedule B) (the “Third-Party Subpoenas,” together with the PDVSA Discovery, the “Discovery Requests”). *See* Affidavit of Service on PDVH, a true and correct copy of which is attached hereto as **Exhibit F**; Affidavit of Service on Citgo Holding, a true and correct copy of which is attached hereto as **Exhibit G**; Affidavit of Service on Citgo, a true and correct copy of which is attached hereto as **Exhibit H**.

8. A true and correct copy of the Rule 45 subpoena served on PDVH is attached hereto as **Exhibit I**.

9. A true and correct copy of the Rule 45 subpoena served on Citgo Holding is attached hereto as **Exhibit J**.

10. A true and correct copy of the Rule 45 subpoena served on Citgo is attached hereto as **Exhibit K**.

11. Girard Street provided counsel for PDVH, who had appeared in the related action, *Girard Street Investment Holdings, LLC v. PDV Holding, Inc.*, 24-cv-4448 (S.D.N.Y.), with email courtesy copies of the Rule 45 Subpoena to PDVH on July 17, 2024. A true and correct copy of the transmittal email to counsel for PDVH is attached hereto as **Exhibit L**.

12. On July 21, 2024, counsel for PDVSA informed Girard Street that PDVSA “will not be submitting responses” to the PDVSA Discovery because such “responses must be held in abeyance pending” PDVSA’s “proposed motion[] to vacate the default judgment[] based on lack of personal jurisdiction” *See* Jul. 21, 2024 5:46 p.m. Email from D. Georgescu, a true and correct copy of which is attached hereto as **Exhibit M**. In response, on July 22, 2024, counsel for Girard Street informed counsel for PDVSA that “[i]f we cannot come to an agreement, we will be forced to seek relief from the Court. Girard Street and G&A Strategic Investments reserve all rights.” *Id.* (Jul. 22, 2024 8:43 p.m. Email from M. Baratz). Following the July 25, 2024 hearing on PDVSA’s proposed motion to vacate, counsel for Girard Street and counsel for PDVSA met in the courtroom and agreed to defer further discussion of discovery deadlines until after the case management conference in *Girard Street Investment Holdings, LLC v. PDV Holding, Inc.*, 24-cv-4448.

13. On August 5, 2024, counsel for Girard Street offered a reasonable extension of the deadlines for responses to the Discovery Requests. *See* Aug. 5, 2024 11:01 a.m. Email from M. Baratz, a true and correct copy of which is attached hereto as **Exhibit N**. Counsel explained that Girard Street had been “willing to defer our further discussion until after the [Case Management Conference] in 24-4448 to see if Judge Rakoff would offer any guidance on the

issue,” but “[a]s counsel from Eimer Stahl know, Judge Rakoff set the matter to be ready for trial on 12/30 even with the motions to vacate and stay pending.” *Id.*

14. On August 7, 2024, counsel for PDVSA, PDVH, Citgo Holding, and Citgo declined the offer for an extension and repeated that they would not respond to the Discovery Requests until the Court rules on PDVSA’s motion to vacate. *Id.* (Aug. 7, 2024 3:31 p.m. Email from G. Schweizer and Aug. 7, 2024 10:57 p.m. Email from D. Georgescu). Counsel for Girard Street responded on August 13, 2024, noting that Girard Street intended to raise the issue with the Court because “it appears we are at an impasse.” *Id.* (Aug. 13, 2024 3:12 a.m. Email from M. Baratz).

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 30, 2024.

/s/ Michael J. Baratz
Michael J. Baratz